JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, NOVEMBER 14, 2022
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, November 14, 2022. Present were Commission members Rodney McCullough, Mary Anne Phillips, Drew Kimble, Amia Warren and Benjamin Rosenberg. Troy Bolander, Johan Bullington, Thomas Walters, Tyler Bellairs and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:** Vicky Copeland called the roll.

MS. PHILLIPS MOVED TO EXCUSE MS. STEELE FROM THE NOVEMBER 14, 2022 MEETING. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

MR. MCCULLOUGH MOVED TO EXCUSE MR. JACKSON FROM THE NOVEMBER 14, 2022 MEETING. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

2. **Approval of Minutes:**

MR. ROSENBERG MOVED TO APPROVE THE OCTOBER 10, 2022 MINUTES. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Public Hearings

Mr. Kimble read the Public Hearing Procedures.

Case 056-22: Special Use Permit

2120 E. 24th St. -A request for a special use permit (1st request) for the operation of a residential concert house-Jeffery S. Morrow

Mr. Jeffery Morrow, 2120 E. 24th Street, Joplin, Missouri. Mr. Morrow stated at your request we are present today to apply for a special use permit to continue house concerts in our neighborhood. Specifically, in my living room located at 2120 E. 24th Street just as we have for the past nine years. Mr. Morrow stated he is a lifelong resident of Joplin and has owned his home for 19 years. He owned his home a full decade before the neighborhood ever hosted their first show. He stated to be clear he is not here today to ask for anything new or any changes. We do not plan to alter the structure in any way, nor do we have any plans for growth. With the support of these neighbors that you see here this afternoon and our community we have been hosting shows since 2013. We simply wish to continue to do so. Just in case you are not familiar with our shows or house concerts in general, I would like to emphasize two key points today: 1) House concerts are not unusual or rare. We did not invent the concept. One of our mentors, Olive Street Presents has been holding house concerts regularly in their living room since 2010 in Pittsburg, Kansas. In Bentonville, Arkansas, a city that every progressive community looks to as a model, they have the Home Sweet Homes Festival each year. Forty shows are held inside twelve residential homes in downtown Bentonville over the course of two days. And throughout the year in the same living rooms. In Springfield, Missouri, Addison and Katie Jones host the Lamplight session house concerts. In Tulsa, Oklahoma, Susan Cram hosts the Tulsa Time concerts. He stated he has provided additional supportive documents to show other house concerts in the region. He stated you can get on Google and literally find thousands of examples all around the country. 2) House concerts are not money-making endeavors. All proceeds go directly to the performing artists. In our case we simply push our couches to the side and offer up the space in our living room for artists to perform. Our house concerts draw a peaceful, music loving crowd who hang on every note and give the artists the respect they deserve. So, what makes our Coda shows worthy of your consideration today. Well, there are a couple of things that differentiate our shows; 1) the quality of the performance. Our musical offerings are diverse, inclusive, varied, we literally host artists that do not do anything like this anywhere else. Mr. Morrow proceeded to give examples of artistry. He stated they have had eight Grammy winners play in Joplin, Mo. because of the efforts of the volunteers that you see behind him. 2) our dedication to being good neighbors. We begin and end our shows early. Many of our supporters live in the neighborhood and walk to our shows. For all our other guests, Joplin Prosthetics and Orthotics provides off street parking in a well-lighted commercial lot a block away. Even on a concert night you would have no idea there is a concert going on inside if you drove by. That is the

beauty of it all. The very requirements that are in this permit application, the things I had to agree to are things that we have already done for years. Not because we have been asked to but because we are good neighbors. There has been a late breaking development in this process that Mr. Morrow felt he must address. In all the years that our neighborhood has hosted shows we have only had one person come to us with issues. One person. In the last 72 hours that neighbor has chosen to knock on doors offering up their own interpretation of what we do. They left behind a flyer full of misinformation. Mr. Morrow stated he did not believe it was intentional. He believes it speaks to the fact that they are one of the few in the neighborhood that has not been to a show. Just as an example, he had the flyer the neighbor walked around with. He stated he would not waste everyone's time going over the entirety of the flyer. But, just as an example they started out by telling the neighbors at the very top that Mr. Morrow was trying to rezone the neighborhood. Literally, the first thing they said. Then they implied that he did not live in his home. Their document reads, "shouldn't the location of the concerts be in the host's primary residence." Mr. Morrow reiterated and stated he wanted to be extremely clear that he had lived in his home for 19 years. He stated he had never lived anywhere else except Joplin, Missouri. A full decade before I ever did a show I lived in this home. He stated he has no other home. He stated he does have atypical work hours. He works in the service industry. He also stated he had parked his vehicle in the garage for the past couple of years because of the string of catalytic converter thefts in the neighborhood. It happened to his neighbor who lives directly next door to him, who will be here today speaking in favor of Coda because he is a supporter. Because of this Mr. Morrow would like to plead for your understanding. He referred to the letter that circulated in his neighborhood. He stated he is sure that everyone in this room would prefer that he put in for a permanent permit today so we can put this behind us and the City can focus on far more important matters. He stated he would put in for a two-year permit, he made that change with Mr. Bolander and Mr. Walters a few days ago. Because he wanted to make sure that anyone who just became aware of their shows by a knock on the door or the letter in the mail they received in the last couple of weeks had the chance to get to know them. Mr. Morrow stated he did not want to silence anyone's voice. He stated he is the one who noticed the discrepancy on the letter sent by the City and he contacted Planning and Zoning to make them aware of the error. Mr. Morrow stated he is putting in for a two-year permit. He stated from what he had been told there were only two types of people in his neighborhood. There are people who have been to our shows and love what we do, and the rest of the people were not aware of what was going on because of how respectful we are. And to those people that are now aware he wanted them to be able to come back in two years and they will have a forum. Even to that one person, even the one who took around the letter to the neighborhood and all they have done he would like to continue to build a bridge to them in the next two years. He stated they would gladly accept that person with open arms. We hope they will attend a show and

see why so many people are here today in support and have worked so hard to build something up instead of tear something down. Finally, he stated if he could ask for all those in attendance who support Coda to stand. Mr. Morrow stated we do not stand before you this afternoon asking you to be progressive. He stated that house concerts are happening in homes across the country tonight, this week and every week. Mr. Morrow stated they are simply asking you to allow us to continue to make our neighborhoods and city a far more interesting place to visit and more importantly to live. Mr. Morrow thanked the Commission for their time and consideration.

Mr. Kimble asked for questions from the Commission.

Mr. Rosenberg proposed the question, what is your average attendance.

Mr. Morrow stated that was a difficult question to answer. He stated that if you came into his living room there are rows of seats in there, not people standing. He stated there a respectful few people in there, it is not an incredibly large gathering. He said it is not any more than you would have for a Chiefs game, Scentsy party or a poker tournament.

Mr. Rosenberg asked, would you say it is over 25.

Mr. Morrow responded yes, he would say it is over 25.

Mr. Rosenberg asked, would it be over 50.

Mr. Morrow stated there has probably been cases there have been over 50. He stated again, if you look at the outside of his home you may see one thing, if you came to a show, you would realize the main part of the house is a great room. What had been a living room and a family room it is one great room like in many houses. So there is plenty of room to move around.

Mr. Rosenberg asked if the productions were in the evening or in the day or a combination.

Mr. Morrow stated to be clear on one thing just to state before we move on to answer that question fully. We have never gone past 10:00 p.m. ever. Just so you know that. He stated it is always their goal to start the show early. He has started shows as early as 2:00 p.m. A typical start time is 5:00 p.m. Mr. Morrow stated that is one of the ways they get the great artists because they can be back in their hotel rooms before 9:00-10:00 p.m. That is earlier than they typically ever start shows at a theater. Never, would it ever be anything that goes beyond 10:00 p.m.

Mr. Rosenberg asked if there was a cost to attend the show.

Mr. Morrow stated that when someone attends a show there is a suggested donation. That money goes directly to the artists. He does not take any portion of it. In fact, if you come to a show, you will see and you will know that at his own expense, he will put the artist up at a hotel. He buys them food. He will go to McAllister's Deli and buy them food and bring it to back to them. But yes, there is a suggested donation amount, but it is really no different than when he went to Porch Fest three or four weeks ago and every artist as he walked up and down the street had a tip jar in front of them. It is not any different from that, we just suggest the amount. Some people give more than that and that is their right as well. It is just a suggested amount, and we certainly never take a credit card or anything like that. The amount goes directly to the artists.

Mr. Kimble asked if there were any other questions from the Commission.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Mr. Robert Booker, 2120 S. Brownell Ave., Joplin, Missouri. Mr. Booker stated he had lived there for approximately 50 years. He said at first, he did not even know there were concerts at the house. Actually, a friend invited him to the first one. He stated he is continuously amazed at the wide variety and talent of the artists that appear there. He said you never know what the next show might be. He said it is wonderful to be able to walk a couple of blocks for entertainment and arts like this in our town. He stated that ten years ago, five years ago he did not know this place as an artist venue existed. He said usually someone must invite you or you would never know what is going on. He thanked the Commission for their time.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Cheryl Reeser, 2310 E. 24th Street, Joplin, Missouri. Ms. Reeser stated she lived about 3.5 houses away from Mr. Morrow. She stated she was aware of this venue when it first started out but has not been there for a while. She stated she had gone through a personal trauma and through that personal trauma and Covid there was a lot of isolation. A lot of mental depression comes with that. Ms. Reeser stated in lieu of that Jeff and I reached out again because she noticed some cars and the band. She saw Jeff one day and asked if they were still doing concerts and Jeff said yes, come on up. Mr. Morrow stated they were having a concert on Sunday evening. Ms. Reeser stated she headed to the concert. She stated one evening she tried to hear the concert without

attending and she could not because there is not a noise issue because you cannot even sneak a peek at the band or listen. She stated that she wanted the Commission to know that through all of the mental issues and isolation that everyone has gone through to be around a group of non-judgmental people very accepting of everyone even people with different opinions. She stated that she has a wide genre of music, and she has been exposed to more genre of music and she has gotten out of her depression state to be more outgoing again. Ms. Reeser stated that when Jeff knew her years ago, she was outgoing and then she wasn't, so she is there again. Ms. Reeser thanked Mr. Morrow.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Patricia Shank, 1722 Delaware Ave., Joplin, Missouri. Ms. Shank stated she has been a resident of Joplin since 1949. She stated she was present because she loves music. Music has been a part of her life since she was born. But right now, she was speaking about Jeff's project. She stated she has been to several concerts there, they are very warm. You can look and see the artisans, the artisans can look out and see you, which when you go to a big concert the artists only see the first line of people. She stated it is not that way at the Coda House. You can talk and interact with them, and it is the most delightful evening. She stated she had been to several concerts so if you are 18 or 92 go to Coda House and you will enjoy the music.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Emily Frankoski, 505 Glenview Place, Joplin, Missouri. Ms. Frankoski stated she is the Executive Director of Connect 2 Culture, which is Joplin's community arts agency. Connect 2 Culture promotes and supports over 40 different non-profit and for-profit arts and cultural organizations or what she likes to call businesses in the Joplin area. We are also a performing arts presenter, and we just opened our new home at the Harry M. Cornell Arts and Entertainment Complex. She stated she was not present just representing Connect 2 Culture or their relationship with Coda House as a community arts agency, but she was also a patron of the Coda House and attended many shows. She said she believed that Coda played a vital role in our vibrant local arts community, and we are very fortunate to have a house concert venue in Joplin. Jeff and his team are beyond passionate about the live musicians they bring to Joplin. They work very hard volunteering their time to make something unique for our community. Jeff has sacrificed his home to make the perfect concert house. He is very respectful to his neighborhood and the audience connects with these professional artists on such an intimate level. She stated that all the volunteers are very friendly and make you feel a

part of their Coda Concert House home and family. It is a very family friendly environment, and you will often see young and old attending the performances. The Coda Concert House is all about the music it provides and Connect 2 Culture as well as myself on a personal level feel so fortunate that they have chosen Joplin. She said as you can see by all these testimonies today that it has vastly improved the quality of life in that neighborhood. Not only does it do that it generates spending in the Joplin economy. People go out to eat beforehand or even go out for ice cream after the performances. It helps Joplin immensely in that area as well. Ms. Frankoski thanked the Commission for their time.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Gil Stevens, 23 Pheasant Run, Joplin, Missouri. Mr. Stevens stated he and his wife have been attending concerts at Coda House for 8-9 years. He said it was a phenomenal venue. He stated for those of you who have not attended he recommended you try it once at least. It is great entertainment and music and he stated he hoped the Commission supported Code House.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Suzie Shank, 2630 Trenton, Joplin, Missouri. Ms. Shank stated she and her husband have been long time supporters of Coda House. In fact, she is a volunteer shuttle driver. She picks up people who park at 2400 Connecticut and bring them up to the house so there is not a lot of cars parked in the neighborhood. She likes to ask the people she picks up if they have been to the Coda House before and if they have not, she likes to ask them after the show how was their experience. She stated everyone is always excited, enthusiastic and ready to come back again. Lots of these people come from hundreds of miles away which is awesome for Joplin because they are spending their money at the Airbnb, hotels and eating in the restaurants. They are amazed at the top-quality music we get at Coda House. She stated they really appreciate Jeff and the Coda House. We realize we are becoming a destination in Joplin for live music.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

Greg Blue, 2114 E. 24th, Joplin, Missouri. Mr. Blue stated he is a friend and neighbor to Jeff Morrow. One thing about the petition that was going around the neighborhood

about possible disturbances, he stated he believed if anyone would have a complaint it would be him. Considering he lives right next door, has two young daughters and their bedrooms are on the end of the house next to Jeff's house. Never been an issue. He stated he is also a musician, so this is meaningful to him and meaningful to the patrons of Coda House. He stated he was definitely in favor of it continuing.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 056-22.

None.

Mr. Kimble stated seeing none, is there anyone in the audience who wished to speak in opposition of Case 056-22.

Wendy Milliman, 2323 Delaware Ave., Joplin, Missouri. Ms. Milliman stated she is a retired Joplin R-8 school employee. She and her husband have lived there for many years, 44 years. She said that does not give her any seniority. She stated she was the culprit with the list. She noticed that Jeff did not mention some of the items on the list that were true. Ms. Milliman stated the shuttle cars drive too fast. They are in a hurry to get everyone there. We have children on the streets riding bicycles. Some of the concerts get out early in the summer, 8:00-8:30 p.m., it is still daylight, and we have children playing in the neighborhood. This is our family residential neighborhood. It has always been a safe feeling neighborhood. It does not feel safe now during concerts and in the inside, they may not see what is going on outside. She stated she has had trouble. She had people "mouth" her. She guessed she could call it that. She has had people yell in front of her house. She has heard screaming and yelling coming from the Coda Concert House over the years. The music does stop at 10:00 and they have been very good about that matter but the after party continues. There is the loading of the equipment for the entertainers. There is loud talking. Ms. Milliman stated her front door, she lives on Delaware, her front door is practically looking at the Coda House front door. She stated this just doesn't fit. She said, what about the porta potties that have permanently been in the back yard. She said, what about the bring your own bottle. She stated that really really disturbed her. Some people they know but others are invited over the internet. C'mon bring us a donation and BYOB. There have been some very tipsy people come out of the concert after it is over. She stated it is not one block away from parking, but she believed it was a full three blocks for parking. She said she heard, she had not seen it, but she heard from her son and someone who works for the City that when these people leave, they are walking right down 24th street. There are no sidewalks they are just walking in people's yards and in the street. She stated she was wondering that if a permit were allowed could they at least curtail the alcohol. She knows people behave differently, music and alcohol. She stated she

loves music, and she drinks a glass of wine, but she usually goes to hear music at an actual music venue. She stated she has seen some great concerts at Downstream Casino. What I hear from the Coda House, it has been kind of quiet lately, but when they do have a loud one, there is nowhere in her house that she can go where she doesn't hear the bass or the drums except in her laundry room with both appliances running. That is not a very good place to spend the evening. Ms. Milliman stated she had a statement written but after Jeff made his statements she does not know where to start or where to end. Several of the neighbors are very concerned about their property values and that included an investment property owner who is also a realtor. He told Ms. Milliman to fight it and fight it hard. It does not fit. It is not an element we want in our neighborhood. The Coda House is heavily marketed online, Facebook, Connect 2 Culture and Joplin Globe. She stated they give them freebies. She stated she did not know. She saw on Facebook where they had a small party, Dr. Rosenberg, and they had 60 people. She estimated 80-100 people attending these events possibly more. She stated when there is an event the property owner chooses to host a concert in his house. Ms. Milliman stated she did not believe this was Mr. Morrow's primary residence. She does not think he sleeps there every night or most nights. The entertainers choose to perform, the attendees choose to attend but my neighbors and I do not get a choice. We must attend. People in the Joplin area have so many entertainment choices. The City just opened a brand new cultural center that we should be so proud of, she stated she is. She would like for her neighborhood to go back to residential homes, residential family homes not houses not concert houses. She stated she realized these concerts take place all over the country, they are a big deal and there are places fighting them just like she is. There are some home concerts that have two a year and serve coffee and refreshments. She would go for that if they wanted to do two a year and serve coffee and refreshments. She stated she could tolerate that. She stated she would rather live next to a perpetual rummage sale than the Coda Concert House. Ms. Milliman thanked the Commission.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 056-22.

Mary Prigmore, 2202 E. 24th Street, Joplin, Missouri. Ms. Prigmore stated she only bought her home in May 2020 and did not move in until October. She had no idea there was a music venue next door. She stated she and her husband used to attend a lot of concerts, but this isn't the place. There is a lot of entertainment on 7th street where you can go one to another. She stated she honestly does not hear their music. That is not the issue. My issue is the traffic and my property value. She stated that frankly if this is passed and her neighborhood is not a quiet neighborly, friendly. She stated that she had never met Jeff. She had never seen him outside where she could speak to him. She stated so at her age she would just sell the house and move. She owns other property

where there would be peace and quiet and respect. Somewhere where there is not so much public exposure. It concerned her that this may draw more unwanted, more unfavorable mode of people into our little neighborhood. Yes, the traffic right now is very heavy because of the viaduct on Range Line. She stated that she felt like where her home is located is not a proper place for it, it should be in a better zoning area. Ms. Prigmore thanked the Commission for hearing both sides of the coin.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 056-22.

David Pruitt, 2032 E. 24th Street, Joplin, Missouri. Mr. Pruitt stated so there is money exchanging hands, so it is a business, is there a business permit.

Mr. Bolander stated it is currently not classified as a business because it is donations. There is not a required payment for the event.

Mr. Pruitt stated he thought the IRS classifies it as a business even though it is a charity you still must claim taxes.

Mr. Bolander stated he could not answer that question he was not with the IRS.

Mr. Pruitt stated he had not had any problem with them. He was just present to find out information. He was neutral. He asked if there was a maximum capacity that they could have. Like the fire marshal or something like that.

Mr. Bolander stated we do have a condition that has to meet the requirements of the Fire Safety Code of the Joplin Fire Marshal. Mr. Bolander stated he did not know what those were, but the Fire Marshal has reviewed this request.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 056-22.

Stephen Milliman, 2323 Delaware Ave., Joplin, Missouri. Mr. Milliman stated they are living next to a bar by their own admission. There are young children there, people under the age of 21. Are they requesting I.D.'s. They come out, they are drunk, they drive off, they yell they scream they holler. Mr. Milliman stated he had one question, do you want this next to you, would you want this in your neighborhood. Think about it. Be honest.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 056-22.

None.

Ms. Phillips stated she had a question for Mr. Bolander. She stated she had read the old code several times and the master plan, but she does not remember seeing a concert house in the list of special use permits. Or maybe it was in there and she just did not realize what it was. I know it is in the new one.

Mr. Bolander stated, you are correct. Under the old code no departments had any provisions in their regulations to govern this type of use, so we just classified it like someone having a party at their home under the old code. The new code that was adopted at the request of some council members that we need to look into this, so it does not get out of hand in the City. So, we did adopt regulations that govern the operation of a concert house. That is why this is coming before you tonight. When we became aware of this over the past five years there was not anything in the code to govern it.

Ms. Phillips stated so since he had been operating since 2013, he was just flying under the radar so to speak.

Mr. Bolander stated yes. It was a permitted use because there was nothing in the code to govern it by the police, fire or zoning and planning.

Ms. Phillips stated I am sorry it was not a permitted use. It did not require a permit.

Mr. Bolander stated it did not require a permit.

Mr. Rosenberg stated he had a couple of questions for staff. He stated he never did get a straight answer on the fire code. Have we not spoken to the fire marshal.

Mr. Bolander stated the fire marshal was aware of this. He had looked into this matter, but Mr. Bolander stated he was not aware of what the allowance was if that was the question asked.

Mr. Rosenberg asked for the square footage of the house.

Mr. Morrow stated it was approximately 1800 square ft. The allowable capacity would far exceed anything he would ever do.

Mr. Rosenberg stated he had another question for the staff. He asked if there had been any complaints up to this point about noise or safety or anything else.

Mr. Bolander stated yes, they have received a complaint about the noise. We do have a message from the police department who has been there a couple of times but since it closes before 10:00 p.m. it does not violate any of our noise ordinances. Even in the police officers' email who did the inspection at the time due to the complaint, he stated he heard a little bass but nothing that was troublesome to him in his observation.

Mr. Kimble asked if there were any further questions from the Commission of Case 056-22.

MR. ROSENBERG MOVED THAT CASE 056-22 BE DENIED. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Mr. Rosenberg stated he wanted to make one statement before this was ended. Mr. Rosenberg stated he sounded to him like this is a great venue in the wrong place. He stated he hated to say that. Ms. Frankoski, this sounds like a great place for your organization or to rent a small venue. But to put 50 people in an 1800 square foot house where there is alcohol served, where there is entertainment, let me finish, it just sounds like an awful lot to him. The other thing is he believed this lady to live in a nice home in a nice residential area and she is disturbed during the concerts. Mr. Rosenberg stated for that reason he voted against it although he believed it to be a fantastic idea.

Mr. Kimble asked that once the vote was cast was it permissible for Mr. Morrow to approach the Commission and speak again.

Mr. Bolander stated you closed the Public Hearing at the vote of this Commission. If you want to allow additional testimony which you already voted you can do that, but you must vote to allow additional testimony. Mr. Bolander stated then you must allow rebuttal if that is the case.

Ms. Phillips stated are you suggesting we get along with the rest of the business and then come back to it.

Mr. Bolander stated he was not suggesting anything. He stated if you want to allow additional testimony you must vote to allow it.

Mr. Kimble asked if there was a Motion to allow additional testimony on Case 056-22.

None.

Mr. Kimble asked if there was a Motion against allowing additional testimony on Case 056-22.

MR. ROSENBERG MOVED THAT CASE 056-22 NOT BE ALLOWED ADDITIONAL TESTIMONY. (NO VOTE OCCURRED)

Ms. Phillips asked for a third option.

Mr. Bolander stated, Mr. Chairman why don't you ask for a vote for all in favor of allowing additional testimony after the Public Hearing. If you have enough votes in favor, we can open it up. If not, we do not precede.

Mr. Kimble asked if there was a vote to hear additional testimony after this hearing has been closed.

Ms. Phillips stated she would make that motion with the understanding that the City Council meeting starts at 6:00 p.m. and we must be out of here.

MS. PHILLIPS MOVED THAT CASE 056-22 BE ALLOWED ADDITIONAL TESTIMONY. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 063-22: Rezoning

6902 E. 32nd Street- A request to remove from District C-3 (Commercial) and include in District M-2 (Heavy Industrial) -Wayne Stephenson

Mr. Wayne Stephenson or a representative from his firm was not present at the meeting.

Steve Hubler, 6705 E. 20th Street, Joplin, Missouri. Mr. Hubler stated he was not in favor or against this, but he did need some information. He stated he had three questions: 1) where was the driveway going to be, 2) is there going to be water to it and 3) is there going to be a sewer line to it. He stated he did not have a map. Mr. Hubler stated he did not know if anyone had been out on E. 32nd lately, but it was a booming area. We have a lot of traffic.

Mr. Bolander stated he could give an update on what was being proposed. The applicant looked at putting in a heavy truck storage area. So, basically that property would be for the storage of trailers or tractor trailers. That is it. There is no other kind of operation on site. The driveway will be accessed coming from that narrow portion off 32nd St. It will be required to have storm water management and the area must be dust proof.

Mr. Hubler stated it was his understanding that trucks would be pulling in and spending the night.

Mr. Bolander stated if that was the case then there must be facilities to accommodate them.

Mr. Kimble stated since there was not representation present then the matter must be tabled until he appeared at the next meeting.

Mr. Bolander stated that is correct.

MS. PHILLIPS MOVED THAT CASE 063-22 BE TABLED UNTIL THE NEXT MEETING. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 064-22: Rezoning

3024 E. 9th Street-A request to remove from District C-3 (Commercial) and include in District R-2 (Two Family Residential)-Schuber Mitchell.

Terry Mitchell, 3331 N. Range Line, Joplin, Missouri. Mr. Mitchell stated they purchased property located at 3024 E. 9th Street, Joplin, Missouri. They demolished the dilapidated house that was there and built back a single-family home. They went to sell the property and it was noted that it was under C-3 zoning. Now we have a house sitting right in the middle of a neighborhood on a C-3 lot that has residents on all four sides of it. He asked Mr. Bolander if it was part of the master plan. Mr. Mitchell stated they are just asking for R-2. It is R-1 that was built there right now but to accommodate selling this house.

Mr. Bolander stated Mr. Mitchell was asking for a re-zoning that is not unusual for this area. If you look to the east of this property and actually to the north as well the properties around are zoned R-2 single family residential. That allows single family homes and duplexes in some cases. Most are single family homes and that is what Mr. Mitchell has built as well. It is in compliance with our policies in our comprehensive plan and our future land use map.

Mr. Kimble asked for any questions from the Commission on Case 064-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 064-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 064-22.

There were none.

MR. ROSENBERG MOVED THAT CASE 064-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 066-22: Utility Easement Vacation

W. 32nd St. & McClelland Terrace- A request to vacate a stormwater easement- Crossland Realty Group.

Joshua, Civil Engineer with Anderson Engineering, 114 Sunset Loop, Carl Junction, Missouri. He stated his Springfield team had done this one. He was present to answer any questions. He could provide a brief run down. They were requesting to vacate this easement because this easement conflicts with proposed buildings. He stated you can see in the site plan. He said you can see also provided there are drainage easement exhibits, #1, #2, #3 that they are putting in place to accommodate existing storm and proposed storm. They are basically requesting to vacate this easement. They have all the utilities signed off as well as City staff.

Mr. Kimble asked if there were any questions from the Commission of Case 066-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 066-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 066-22.

Maddi Crossland, 833 S.E. Ave., Columbus, Kansas. Ms. Crossland stated she is representing the developer in the project, and she would be available to answer any questions proposed by the Commission.

Mr. Rosenberg asked Mr. Bolander if everyone had signed off on the project.

Mr. Bolander stated yes sir.

Mr. McCullough asked Mr. Bolander about it being in Newton County when it was actually in Jasper County.

Mr. Bolander stated it was advertised correctly. He stated in the zoning report it was in Newton County. It actually is in Newton County.

Mr. McCullough stated thank you.

MS. PHILLIPS MOVED THAT CASE 066-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

3. **Old Business:** None

4. **New Business:**

Case 059-22: Site Plan Review

W. 32nd St. & McClelland Terrace- A request to review site plan for multi-family development-Crossland Summit Development, LLC

Joshua, Civil Engineer with Anderson Engineering, 114 Sunset Loop, Carl Junction, Missouri. He stated he could answer any questions. The site plan comprises of parking areas, underground parking, two buildings and then water quality.

Mr. Kimble asked if there were any questions from the Commission of Case 059-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 059-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 059-22.

There were none.

Mr. Kimble stated seeing no other business we can now open the floor to any additional testimony on Case 056-22.

Mr. Jeff Morrow, 2120 E. 24th Street, Joplin, Missouri. Mr. Morrow stated he did not have any additional testimony. The decision had been made and he thanked the Commission for their time.

Ryan Flanigan, Joplin, Missouri. Mr. Flanigan asked about things that were established or grandfathered in. He asked if there was anything in this case that needs to be brought to light regarding something that had been established for so long for the zoning to change in that matter.

Mr. Bolander stated that was a good question. In this case this was not adopted into the new code.

Patricia Shank, 1722 Delaware Ave., Joplin, Missouri. Ms. Shank stated she wanted to reinforce my sayings by telling you that the concerts that Jeff had at his home was not every week or every ten days. They were not routinely scheduled. The other thing she wanted to tell the Commission was this was a little jewel in the crown of Joplin. The artists who come in spend money here and that is a little bit of help in our City.

Jamie VanWay, 1234 Elm Rd., Carthage, Missouri. Ms. VanWay stated this had been a great healing force for her to go somewhere to listen to music. She stated she had gone alone several times. She does not like bar scenes, does not like drunk anything like that but she does believe in the healing of music. This place had been a healing to her soul for the past 5-6 years. She stated she had taken her son there where she would not take him to an establishment that served alcohol. She stated you can bring your own beverage. Jeff gives out free water. It is a blessing and a blessing to the community and towns all around.

Kelly Blotter, Webb City, Missouri. Mr. Blotter spoke on the opportunity to collect data on allegations to refute or support one side or the other.

Mr. Kimble asked Mr. Bolander about obtaining data.

Mr. Bolander stated he would contact Public Works and the Police Department because they are typically the departments that gather that data. As far as the noise there has not been a noise violation because everything is shut down before 10:00 p.m. That is a moot point.

Mr. Shank, Joplin, Missouri. Mr. Shank stated he wanted to point out the average age of people attending the concerts were not young kids. They were not going up and down the street screaming and yelling as proposed. He also wanted to note that Mr. Rosenberg stated alcohol was served. Mr. Shank stated Mr. Morrow does not serve

alcohol. Mr. Morrow gives bottled water. People do bring their own alcohol, but alcohol was not served.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 056-22.

There were none.

MS. PHILLIPS MOVED THAT CASE 056-22 BE CLOSED AT THIS TIME FOR ANY ADDITIONAL TESTIMONY. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

5. **Adjournment:**

MS. PHILLIPS MOVED, SECONDED BY MR. MCCULLOUGH TO ADJOURN. MOTION CARRED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Approved Janice Steele
~~Drew Kimble,~~ Chairman
Janice Steele

Approved Vicky Copeland
Vicky Copeland, Recording Secretary